REPORTS OF LAW COMMISSION

†3204. SHRIMATI GURCHARAN KAUR : Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the objective for constituting Law Commission;

(b) the number of reports prepared and recommendations made by the Law Commission together with the dates on which these were prepared;

(c) the number, out of them, presented in and passed by the Parliament together with the number of pending reports and recommendations;

(d) the reasons for delay in presentation of recommendations of the Law Commission; and

(e) the action to be taken to check the delay and present them immediately?

THE MINISTER OF LAW AND JUSTICE (SHRI ARUN JAITLEY) : (a) The Law Commission has been constituted with the following objectives :

A. (i) To identify laws which are no longer needed or relevant and can be immediately repealed.

(ii) To identify laws which are in harmony with the existing climate of economic liberalization which need no change.

(iii) To identify laws which require changes or amendments and to make suggestions for their amendment.

(iv) To consider in a wider prespective the suggestions for revision/amendment given by Expert Groups in various Ministries/Departments with a view to coordinating and harmonizing them.

(v) To Consider references made to it by Ministries/Departments in respect of legislation having bearing on the working of more than one Ministry/Department.

(vi) To suggest suitable measures for quick redressal of citizens grievances, in the field of law.

† Original notice of the question was received in Hindi.

B. Law and Poverty :

(i) To examine the Law which affect the poor and carry out post-audit for socio-economic legislation.

(ii) To take all such measures as may be necessary to harness law and the legal process in the service of the poor.

C. To keep under review the system of judicial administration to ensure that it is responsive to the reasonable demands of the times and in particular to secure :—

(i) Elimination of delays, speedy clearance of arrears and reduction in costs so as to secure quick and economical disposal of cases without affecting the cardinal principle that decisions should be just and fair.

(ii) Simplification of procedure to reduce and eliminate technicalities and devices for delay so that it operates not as an end in itself but as a means of achieving justice.

(iii) Improvement of standards of all concerned with the administration of justice.

D. To examine the existing laws in the light of Directive Principles of State Policy and to suggest ways of improvement and reform and also to suggest such legislation as might be necessary to implement the Directive Principles and to attain the objective set out in the Preamble to the Constitution.

E. To revise the Central Acts of General Importance so as to simplify them and to remove anomalies, ambiguities and inequities.

F. To recommend to the Government measure for bringing the statute book up-to-date by repealing obsolete laws and enactments or parts thereof which have outlived their utility.

G. To consider and to convey to the Government its views on any other object relating to law and judicial administration that may be referred to it by the Government through Ministry of Law and Justice (Department of Legal Affairs).

(b) As per Annexure.

[See Appendix 198, Annexure No. 10].

(c) to (e) Law Commission of India has so far submitted 185 Reports. All the Reports, except 184th and 185th have been laid in the Parliament. The Law

Commission submitted its 184th Report on "Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956" on 27-01-2003 and 185th Report on "Review of Indian Evidence Act, 1872" on 26-03-2003. Both the Reports have been sent to Department's empanelled Hindi Translator for translation on 30-01-2003 and 27-03-2003 respectively

SC's observations on punishment awarded to a delinquent official

3205. SHRI VIJAY J. DARDA : Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether Government are aware of the recent observations of the Supreme Court that High Courts should not interfere with Punishment awarded to a delinquent Official after proper enquiry unless such a decision was illogical or suffering from procedural impropriety or was shocking to the conscience of the Court, while remitting the matter of High Court for fresh consideration; and

(b) if so, the reaction of Government in this regard?

THE MINISTER OF LAW AND JUSTICE (SHRI ARUN JAITLEY) : (a) In the case of the Regional Manager & Disciplinary Authority, State Bank of India, Hyderabad and Another *Vs.* S. Mohammed Gaffar (2002) 7 Supreme Court cases 168, the Hon'ble Supreme Court of India observed as under in para 10 of the judgment :

> "The High Court seems to have overlooked the settled position that in departmental proceedings, insofar as imposition of penalty or punishment is concerned, unless the punishment or penalty imposed by the disciplinary or Appellate Authority is either impermissible or such that it shocks the conscience of the High Court, it should not normally interfere with the same or substitute its own opinion and either impose some other punishment or penalty or direct the authority to impose a particular nature or category of punishment of its choice".

(b) The Supreme Court, in its above judgment, has only reiterated the settled legal position.